THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19623 OF 2007

DATED: 17-09-2007

BETWEEN

Sirisilli Sunanda, W/o. Pentaiah,
Occ: Anganwadi Worker/MPTC,
Sundarwarinagar Village,
Sadasivanagar Mandal,
Ranga Reddy District.

...PETITIONER

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayat Raj Department,
A.P. Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner working as Anganwadi Worker was elected as MPTC, Sadasivanagar Mandal, Ranga Reddy District. While so, the Mandal Parishad Development Officer, Sadasivanagar, issued a notice dated 08.08.2007 informing the petitioner that as per the orders of the State Election Commission the Anganwadi workers are not eligible to contest in Elections to Panchayat Raj Bodies, as per the orders of the Government amending the earlier G.O.Ms.No.7 dated 17.03.1996, which was upheld by the High Court in W.P.No.6894 of 2007 dated 09.04.2007 and the copies of the said orders have been enclosed.

2. Learned counsel for the petitioner submits that as the copies of the said G.O. and the orders of the High Court have not been enclosed with the

aforesaid notice, the petitioner made a representation dated 14.08.2007 to furnish the copies of the said G.O. as well as the judgment of the High Court so as to enable her to file a suitable reply.

3. Section 18 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act') prohibits employees of the State or Central Government or local bodies or employees of the institutions receiving aid or funds from the Government, from contesting the office in the Panchayat Raj elections. As per the orders of the Government in G.O.Ms.No.7 dated 17.03.1996 the Anganwadi workers are entitled to hold any elected post like Sarpanch, MPTC etc. but the Government later amended the G.O. by issuing orders in G.O.Ms.No.23 dated 04.08.2001 in conformity with Section 18 of the Act by deleting the words "Anganwadi Workers" from its purview. Therefore, the Anganwadi workers are not entitled to contest in the elections.

This Court in **BHUKYA LAKSHMI BAI v. STATE ELECTION COMMISSION**[1] took a view that as per Section 18 of the Act and G.O.Ms.No.23 dated 04.08.2001 the Anganwadi Workers cannot hold the elected offices in Panchayat Raj Institutions. Therefore, I am of the opinion that it is for the petitioner to retain one post either the post of Anganwadi Worker or MPTC as directed in the impugned notice.

The writ petition is accordingly dismissed with a liberty to the petitioner to opt the post she wants to retain and intimate the same to the respondents within fifteen days from today. There shall be no order as to costs.

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V. ESWARAIAH, J

September 17, 2007
Note: Furnish C.C. of the order by 19.09.2007
(**B/o**)
DSK

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[1] 2007 (4) ALD 271